

1 Carl J. Oreskovich, WSBA #12779  
2 Andrew M. Wagley, WSBA #50007  
3 Etter, McMahon, Lamberson,  
4 Van Wert & Oreskovich, P.C.  
5 618 West Riverside Avenue, Suite 210  
6 Spokane, WA 99201  
7 (509) 747-9100  
8 (509) 623-1439 Fax  
9 Email: carl@ettermcmahon.com  
10 Email: awagley@ettermcmahon.com

11 *Attorneys for Defendant Ronald Craig Ilg*

12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF WASHINGTON

14 UNITED STATES OF AMERICA,

15  
16 Plaintiff,

17  
18 vs.

19 RONALD CRAIG ILG,

20  
21 Defendant.  
22

Case No. 2:21-cr-00049-WFN

**REPLY IN SUPPORT OF  
DEFENDANT'S MOTION TO  
REOPEN DETENTION HEARING**

23  
24 COMES NOW, Defendant RONALD CRAIG ILG, by and through his  
25 counsel of record, and respectfully submits the following Reply in Support of  
26 Defendant's Motion to Reopen Detention Hearing. As explained below, the  
27 Government fails to meet its burden for pretrial detention based upon the  
28 expressly denied allegations of the case, evidence obtained in violation of Dr.  
29  
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1 Ilg's rights under the Fourth and Fifth Amendments of the Constitution of the  
2 United States, and the mischaracterized and disputed evidence involving M.P.  
3 (a/k/a "WITNESS 1") that is nothing more than an attempt to prejudice Dr. Ilg.  
4  
5 See 18 U.S.C. § 3142(g). A presumption for release exists and the Court is  
6 obligated to impose the least restrictive conditions. See *United States v.*  
7  
8 *Motamedi*, 767 F.2d 1403, 1405 (9th Cir. 1985); accord *United States v. Rangel*,  
9  
10 318 F. Supp. 3d 1212, 1216 (E.D. Wash. 2018).  
11

12  
13 **A. New Information Exists That Has a Material Bearing on Release.**  
14

15 As an initial matter, the Government argues that "[t]he only difference now  
16 is that Defendant—several months after the last detention hearing—has now  
17 hired a second psychologist, who agrees with the first." (ECF No. 72 at 2.)  
18 However, the Forensic Psychological Evaluation of Dr. Stanfill provides new  
19 psychological analysis information, including objective, validated, and  
20 commonly-accepted actuarial measures pertaining to any alleged danger posed  
21 by Dr. Ilg. Moreover, at this juncture, Dr. Ilg has been subject to pretrial  
22 detention for seven months. As such, reopening the detention hearing is  
23 warranted pursuant to 18 U.S.C. § 3142(f). See *United States v. Parmer*, \_\_\_ F.  
24 Supp. 3d. \_\_\_, 2020 WL 2213467 (N.D. Cal. 2020).  
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3 **B. The Government Fails to Establish That No Conditions of Release Will**  
4 **Reasonably Assure the Safety of Any Person or the Community.**

5 The Court should grant pretrial release as the Government cannot establish  
6  
7 by “clear and convincing evidence” that no “combination of conditions will  
8  
9 reasonably assure the safety of any other person and the community.” 18 U.S.C.  
10 § 3142(f). As such, the Court is obligated to release Dr. Ilg under the least  
11  
12 restrictive conditions, which could include a substantial bond, electronic home  
13  
14 monitoring, and ongoing mental health treatment. 18 U.S.C. § 3142(c)(1)(B).

15 The Government repeats its original argument, indicating “this is a case  
16  
17 involving Defendant’s efforts to have his wife kidnapped, beaten, injected with  
18  
19 heroin, and extorted.” (ECF No. 72 at 3.) The Government points towards  
20  
21 various disputed, unproven facts, such as “Defendant transferred a total of  
22  
23 approximately \$51,678.39 in Bitcoin currency,” alleged “dark web addresses  
24  
25 and the login credentials that Defendant stored . . . in various places” that were  
26  
27 discovered via search warrants, and that during a custodial interview with FBI  
28  
29 (lacking *Miranda* warnings) “Defendant claimed that he hired the hitman to kill  
30  
31 himself and added he never intended to harm his estranged wife.” (*Id.* at 4-6.)  
32 Each of these arguments goes towards the weight of the evidence, the least

1 important factor under the BRA. *See, e.g., Rangel*, 318 F. Supp. 3d at 1216.  
2  
3 Not only does Dr. Ilg expressly deny the allegations against him, but the  
4  
5 Government's purported key pieces of evidence are subject to suppression as  
6  
7 indicated below.

8         In this same vein, the Government further indicates "defense argues simply  
9  
10 that because 'the Government does not allege that [Defendant] used a firearm in  
11  
12 further[ance] of any such crime [of violence],' the nature and circumstances of  
13  
14 the offense weigh in favor of release." (ECF No. 72 at 7.) However, the  
15  
16 Government takes Dr. Ilg's argument out of context. A presumption for release  
17  
18 exists under the BRA for the crime of Attempted Kidnapping, so long as a  
19  
20 firearm was not alleged to be used in the commission thereof. 18 U.S.C. §  
21  
22 3142(g)(1), (e)(3)(B); 18 U.S.C. § 924(c)(1)(A). None of the allegations at hand  
23  
24 involve the use of a firearm. (*See* ECF No. 1.)

25         The Government further argues that in relation to the two Forensic  
26  
27 Psychological Evaluations "Defendant's self-serving statements [to Dr.  
28  
29 Patterson and Dr. Stanfill] should provide the Court little, if any, comfort."  
30  
31 (ECF No. 72 at 18.). Despite the Government's burden to prove detention by  
32  
clear and convincing evidence, it does not offer any type of expert witness  
testimony to rebut the Forensic Psychological Evaluations. Although granted

1 the Government would not have access to interview Dr. Ilg, the Evaluations at  
2  
3 issue are comprised of objective analysis, including verifiable tests and  
4  
5 assumptions that the Government would presumably be able to rebut if it had the  
6  
7 evidence to do so. Release under the BRA is warranted.

8 **C. The Court Should Disregard Various Collateral Allegations Used**  
9 **Merely to Prejudice Dr. Ilg.**

10 The Government's Opposition to Defendant's Second Motion for Release  
11  
12 is littered with sensationalized, collateral allegations that are merely offered to  
13  
14 portray Dr. Ilg as a monster, smear his name, and distract the Court from the  
15  
16 circumstantial nature of the Government's case in chief. Additionally, the  
17  
18 Government relies heavily upon mischaracterizations of Dr. Ilg's previous  
19  
20 relationship with M.P. The Court should disregard these disputed, irrelevant,  
21  
22 and prejudicial allegations.

23 By way of background, Dr. Ilg and M.P. were in a serious, committed  
24  
25 relationship for over two years leading up to Dr. Ilg's arrest. The couple had  
26  
27 met on a dominance and submission ("D/S") website called FetLife.com. M.P.  
28  
29 was actively involved in the D/S community, to include a previous D/S  
30  
31 relationship with another doctor, webcam modeling, and acting out various D/S  
32  
sexual fantasies with Dr. Ilg. Following Dr. Ilg's separation from his estranged

1 wife (J.I.), M.P. and Dr. Ilg were engaged to be married and made plans to move  
2  
3 in together, including for M.P.'s children to attend school in Spokane. M.P.  
4  
5 wore an engagement ring and actively planned their wedding on Etsy. Prior to  
6  
7 Dr. Ilg's arrest, M.P., along with her children, accompanied Dr. Ilg on a vacation  
8  
9 to Mexico. Even after Dr. Ilg's suicide attempt, M.P. texted Dr. Ilg's brother:  
10  
11 "Can you please tell him I love him so much and I'm glad he is alive and  
12  
13 awake" and "I have been told I can't go there and see him by the FBI and it's  
14  
15 killing me not to be there."

16 First, the Government entirely mischaracterizes the context of this  
17  
18 relationship and heavily relies upon M.P. **after conceding at the prior**  
19  
20 **detention hearing that M.P.'s statements are inconsistent.** In this vein, the  
21  
22 Government argues that "[M.P.] described being sexually assaulted by  
23  
24 Defendant and stated that Defendant physically assaulted beyond her consent."  
25  
26 (ECF No. 72 at 10.). Dr. Ilg expressly denies that he engaged in any type of  
27  
28 sexual contact with M.P. that was beyond her consent in their D/S relationship.  
29  
30 According to the Government, "[M.P.] further explained that Ilg forced her into  
31  
32 a dark hole, required her to sign a 'master-slave' contract in blood against her  
will, and burned her with a cattle prod." (*Id.*) Even assuming *arguendo* these  
statements by M.P. are true, Dr. Ilg's participation in a consensual D/S

1 relationship is completely irrelevant to the actual charge that Dr. Ilg attempted to  
2  
3 hire a hitman from the dark web to kidnap his estranged wife.

4  
5 Second, the Government argues that “Defendant wrote a letter begging a  
6 witness [M.P.] to marry Defendant so the witness wouldn’t have to testify  
7 against him.” (ECF No. 72 at 2.) The prejudicial use of this letter by the  
8 Government is apparent by virtue of the Government’s classification of the letter  
9 as “manipulative” and “misogynistic.” (*Id.* at 16.) Again, this six-page  
10 handwritten letter must be viewed within the entire context of the over two-year  
11 meretricious relationship between Dr. Ilg and M.P. Moreover, the letter does  
12 not beg M.P. to marry Dr. Ilg, but rather indicates: “As soon as we were married  
13 we could talk and communicate as much as we wanted.” (ECF No. 72-1 at 6.)  
14 Most importantly, the letter is dated July 10 and the Order Granting United  
15 States’ Motion for Pretrial (which prevents all contact with M.P.) did not go into  
16 effect until August 5, 2021. (*See* ECF No. 53.) As such, **the letter did not**  
17 **violate any pretrial conditions and Dr. Ilg subsequently stipulated to the**  
18 **pretrial prohibition on contract.**

19  
20 Third, the Government argues that “evidence recently obtained through a  
21 Google search warrant indicates Defendant sought to procure a ‘slave,’ who,  
22 among other things, would be caged, flogged, and assaulted.” (ECF No. 72 at  
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1 2.) Dr. Ilg expressly denies he sent these messages. During this timeframe  
2  
3 (March 2021), M.P. had access to Dr. Ilg's electronic devices and passwords.  
4  
5 (*See, e.g.*, ECF No. 39 (“Defendant’s then-current girlfriend, WITNESS 1, also  
6 took screenshots of the username and password, which she observed on Ilg’s  
7 phone.”).) Furthermore, M.P. was mad as Dr. Ilg had been corresponding with  
8 other women online in the months prior. Multiple aspects of these messages are  
9 suspect, including (1) statements that “my wife and gf don[‘]t want anyone  
10 else,” despite Dr. Ilg and J.I. having been separated for an extended period of  
11 time; (2) acknowledgment by the Government that “[M.P] informed law  
12 enforcement of this email account associated with Defendant”: and (3) a picture  
13 of Dr. Ilg by a Christmas tree despite the messages dated in March. (*See* ECF  
14 No. 72 at 10.) Assuming *arguendo* these messages were sent by Dr. Ilg, the  
15 Government further provides no theory of relevance to the actual charge at hand.  
16  
17

18 Fourth and finally, the Government argues that “[a] video recovered during  
19 the investigation depicts Defendant engaging in conduct reflecting recklessness,  
20 a disregard for social norms, and risking his own child’s wellbeing.” (ECF No.  
21 72 at 10.) However, the Government’s vague statements in this regard do not  
22 even allege that Dr. Ilg broke any law or otherwise engaged in any conduct not  
23 commonly practiced by a multitude of married couples. In sum, the Court  
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1 should disregard the multiple collateral issues raised by the Government as a  
2  
3 means of sensationalizing this matter.

4  
5 **D. The Court Should Consider Constitutional Violations and Suppression**

6 The Government further argues that “evidence that Defendant attempted to  
7  
8 hire multiple dark web hitmen to harm his former wife and a work colleague is  
9  
10 properly before the Court for purposes of detention.” (ECF No. 72 at 8.)  
11 However, the Government misses the point that if evidence is subject to  
12  
13 suppression based upon Constitutional violations, the Court should not consider  
14  
15 the evidence as it would perpetuate the Constitutional violation.

16 As it relates to the search warrant suppression issue, the Government  
17  
18 argues that sufficient corroboration exists as “Defendant’s text messages with  
19  
20 WITNESS 1, which were set forth in the initial search warrants, reflected that  
21  
22 Ilg ‘hired someone to hurt [VICTIM 2] from the dark web using bitcoin.’”  
23 (ECF No. 72 at 8.) However, the full context of this conversation provides:

24  
25 [M.P.]: you hired someone to hurt [J.I.] from the dark web using  
26 bitcoin stop now

27 . . .

28 [Dr. Ilg]: I absolutely did not hire anyone. That’s a lie. . . . And  
29 you said [redacted] could contact his dealers and get people to hurt  
30 me and my family. . . . That is real. The dark web is all a scam as  
31 all the studies show  
32

1 (ECF No. 1 at 14; ECF No. 72-4 at 71.) The Government does not provide the  
2  
3 corroboration required by the Ninth Circuit to establish probable cause based on  
4  
5 a confidential information's tip. *United States v. Morales*, 252 F.3d 1070 (9th  
6 Cir. 2001); *United States v. Mendonsa*, 989 F.2d 366 (9th Cir. 1993)  
7

8 The Government further argues that Dr. Ilg was not in custody while at the  
9  
10 Spokane International Airport as:

11 FBI agents asked whether Defendant would accompany them to a  
12 conference room, and Defendant agreed. At various points in the  
13 interview FBI told Ilg he was free to go. In fact, near the  
14 beginning of the interview, Ilg told the FBI Agents he was willing  
15 to catch an Uber if he needed to and he sent a message to  
16 WITNESS 1 telling her to leave the airport without him. After the  
17 interview, Ilg was offered a ride to his home instead of taking an  
18 Uber. Ilg accepted the ride.

19 (ECF No. 72 at 9.) However, Dr. Ilg was subject to custodial interrogation as  
20  
21 his luggage (including cell phone and keys) was seized pursuant to a search  
22  
23 warrant, he was escorted by armed FBI agents to a private interview room in  
24 secluded area of the airport, and he was subject to questioning for over an hour.  
25  
26 *See, e.g., United States v. Kennedy*, 573 F.2d 657, 660-61 (9th Cir. 1978).  
27  
28 Moreover, Dr. Ilg explicitly requested an attorney prior to the statement: “I  
29 would love to help out the best way that I can—to provide you guys whatever it  
30  
31  
32

1 is that you need—bat at the same time I need somebody with a clearer mind than  
2  
3 me to help navigate that.” (ECF No. 72 at 6.)

4  
5 **E. Due Process Warrants Pretrial Release.**

6 A Due Process violation may occur based upon analysis of: “(1) the length  
7  
8 of the defendant’s pretrial detention; (2) the prosecution’s contribution to the  
9  
10 delay; and (3) the evidence supporting detention under the Bail Reform Act.”  
11 *United States v. Torres*, 995 F.3d 695, 708 (9th Cir. 2021). All factors warrant  
12 release. The Government argues no Due Process violation will occur based  
13 upon COVID as “just .005% of the population at the Spokane County Jail has  
14  
15 tested positive for COVID-19.” (ECF No. 72 at 17.) However, Dr. Ilg’s floor  
16  
17 (the Fifth Floor) of the Spokane County Jail was recently subject to a three-to-  
18  
19 four-week COVID quarantine lockdown that necessitated the involvement of the  
20  
21 CDC. Further, pretrial confinement hampers Dr. Ilg’s ability to plan his defense  
22  
23 and Dr. Ilg has recently been subject to threats by other inmates.

24  
25 **CONCLUSION**

26 Based upon the foregoing, Dr. Ilg respectfully requests that this Court grant  
27  
28 Defendant’s Motion to Reopen Detention Hearing and release him from pretrial  
29  
30 custody under the proposed conditions of release.

31  
32 //

1 RESPECTFULLY SUBMITTED this 17th day of November, 2021.

2  
3 ETTER, McMAHON, LAMBERSON,  
4 VAN WERT & ORESKOVICH, P.C.  
5

6 By: /s/ Andrew M. Wagley  
7 Carl J. Oreskovich, WSBA #12779  
8 Andrew M. Wagley, WSBA #50007  
9 *Attorneys for Defendant Ronald Craig Ilg*  
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EXECUTED this 17th day of November, 2021 in Spokane, WA.

Reply in Support of Motion to  
Reopen Detention Hearing- Page 13

**ETTER, McMAHON, LAMBERSON,  
VAN WERT & ORESKOVICH, P.C.**  
618 WEST RIVERSIDE AVENUE, SUITE 210  
SPOKANE, WASHINGTON 99201 (509) 747-9100